

107TH CONGRESS
1ST SESSION

S. 782

To amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2001

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Americans with Dis-
5 abilities Notification Act”.

1 **SEC. 2. AMERICANS WITH DISABILITIES ACT OF 1990;**
2 **AMENDMENT TO PROVIDE OPPORTUNITY TO**
3 **CORRECT ALLEGED VIOLATIONS AS PRE-**
4 **CONDITION TO CIVIL ACTIONS REGARDING**
5 **PUBLIC ACCOMMODATIONS AND COMMER-**
6 **CIAL FACILITIES.**

7 Section 308(a)(1) of the Americans with Disabilities
8 Act of 1990 (42 U.S.C. 12188(a)(1)) is amended—

9 (1) by striking “(1) AVAILABILITY” and all that
10 follows through “The remedies and procedures set
11 forth” and inserting the following:

12 “(1) AVAILABILITY OF REMEDIES AND PROCE-
13 DURES.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graphs (B) and (C), the remedies and proce-
16 dures set forth”;

17 (2) in subparagraph (A) (as designated by
18 paragraph (1)), by striking the second sentence; and

19 (3) by adding at the end the following subpara-
20 graphs:

21 “(B) OPPORTUNITY FOR CORRECTION OF
22 ALLEGED VIOLATION.—A court shall not have
23 jurisdiction over a civil action for which a plain-
24 tiff filed a complaint under subparagraph (A)
25 with the court unless—

1 “(i) before filing the complaint, the
2 plaintiff provided to the defendant in the
3 action notice of the alleged violation, and
4 the notice was provided by registered mail
5 or in person;

6 “(ii) the notice identified the specific
7 facts that constitute the alleged violation,
8 including identification of the location at
9 which the violation occurred and the date
10 on which the violation occurred;

11 “(iii) 90 or more days elapsed after
12 the date on which the notice was so pro-
13 vided before the plaintiff filed the com-
14 plaint;

15 “(iv) the notice informed the defend-
16 ant that the civil action could not be com-
17 menced until the expiration of such 90-day
18 period; and

19 “(v) the complaint states that, as of
20 the date on which the complaint is filed,
21 the defendant has not corrected the alleged
22 violation.

23 “(C) CERTAIN CONSEQUENCES OF FAIL-
24 URE TO PROVIDE OPPORTUNITY FOR CORREC-
25 TION.—If a plaintiff files a complaint under

1 subparagraph (A) to bring a civil action, but
2 does not meet the criteria under subparagraph
3 (B) to provide jurisdiction to the court involved,
4 the following shall apply:

5 “(i) SANCTION.—The court shall im-
6 pose an appropriate sanction on the attor-
7 ney for the plaintiff (and, notwithstanding
8 the court’s lack of jurisdiction over the ac-
9 tion, the court shall have jurisdiction to
10 impose and enforce the sanction).

11 “(ii) ATTORNEY’S FEES AND COSTS.—
12 If the plaintiff subsequently meets the cri-
13 teria and the civil action proceeds, the
14 court may not under section 505 allow the
15 plaintiff any attorneys’ fees (including liti-
16 gation expenses) or costs.”.

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